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C O N F I D E N T I A L SECTION 01 OF 03 BAGHDAD 003898

SIPDIS

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SUBJECT: CONSTITUTION REFERENDUM PROSPECTS

REF: BAGHDAD 3887

Classified By: Political Counselor Robert Ford
for reasons 1.4 (B) and (D).

¶1. (C) SUMMARY: Most of our contacts anticipate that the draft constitution will pass in the October 15 national referendum, but that some predominantly Sunni Arab provinces may vote against it. The results of a recent UN poll, passed to POL on a confidential basis, suggest that three provinces, Anbar, Nineva and Salahaddin, might vote against the draft constitution by sufficient margins to defeat the draft entirely in the referendum. The poll was based on a small sample group and cannot be viewed as authoritative. That said, with the exception of a few moderates, Arab Sunni leaders are urging voters to reject the draft constitution. Shia and Kurd leaders, by contrast, generally are urging voters to approve the draft. The UN poll, and our contacts, indicate there is strong support for the draft so far in predominantly Shia and Kurdish provinces. Intimidation of Sunni Arab voters, the public stance of influential Shia cleric Muqtada al-Sadr, and the votes of Turcomen, Christian and other minority group votes in key governorates are key variables that could affect the referendum outcome.
END SUMMARY.

In Opposition - The Arab Sunnis

¶2. (C) With few exceptions, most Arab Sunni leaders are opposed to the draft constitution. Sunni members added to the Constitutional Committee continue to meet but have not compiled a short list of desired changes to the draft constitution. They have also been unable to agree on a common position on the draft. One of the most influential Sunni Arab political parties, the Iraqi Islamic Party, on September 21 issued a public statement urging Iraqis to reject the draft constitution. The IIP said the constitution threatens Iraqi unity. Meanwhile, Salah Mutlak of the National Dialogue has pledged to collect 5 million signatures on a petition opposing the constitution.

¶3. (C) In contrast, Saad al-Janabi of the Iraqi Republican Group has called on voters to approve the draft and to pursue changes in the next national assembly. The position of key Sunni Arab tribal figures is still uncertain. It is expected that most Sunni Arab politicians will call for a "no" vote but some, like National Assembly member Sheikh Abd al-Rahman Al-Nuaimi is calling for a "yes" vote and is organizing conferences to discuss the issue in his key Mosul district.

In Support - The Shia

¶4. (C) Most Shia Arabs strongly support the constitution. Prominent Da'wa party leader Jawad al-Maliki said there should be no surprises with the referendum. Even if some of the Shia are not happy with all parts of the draft, they will vote for it, he predicted to Poloff on September 19. Nabil al-Mousawi, a Shia ally of Ahmed Chalabi from List 169, told PolOff on September 19 that he did not think opponents would be able to stop approval of the constitution in the referendum. People want to move forward, he claimed.

In Support - The Kurds

¶4. (C) We expect the Kurds almost all will vote in favor, and their leaders are confident the draft will pass in the referendum. Kurdish leader Fa'iq Ahmed Sha'ban al-Hag of the KDP said that there are no worries about the referendum passing but he does expect more violence by Sunni Arabs. Another KDP leader, Kamaran Khairi Saeed, predicted to us September 19 that there would not be enough disgruntled Shia and angry Sunnis to reject the constitution. In his view, passing the referendum will decrease the violence. PUK constitution negotiator Fuad Masum has consistently predicted that

while Anbar province and even Salah ad-Din province might vote against the draft in large numbers, the Sunni Arabs cannot assemble a 2/3 vote against the draft in any other governorate.

Projections by Governorate

15. (C) Below is a governorate by governorate review of ethnic/religious makeup and projected vote in the Constitution Referendum based on UN polling data:

Governorate	Ethnic/Rel Groups	Referendum	Projection (No)
Anbar	Sunni Arab	No	**
Babil	Shia	Yes	
Baghdad	Mixed	Yes	
Basra	Shia	Yes	
Diyala	Mixed Arab Turcoman		leaning no (36%)
Dohuk	Kurd	Yes	
Erbil	Kurd	Yes	
	Turcoman Sunni Arab		
Karbala	Shia	Yes	
Misan	Shia	Yes	
Muthanna	Shia	Yes	
Najaf	Sunni Arab	Yes	
Ninewa	Sunni Arab Yezidi Christian Some Kurd		No (95%)
Qadissiya	Shia	Yes	
Salahaddin	Sunni Arab Kurd	No (64%)	
Suleimaniya	Kurd	Yes	
	Sunni Arab		
Tameem	Kurd	Yes	
(Kirkuk)	Turcomen		
	Sunni Arab		
Dhi Qar	Shia	Yes	
Wasit	Shia	Yes	

** - not polled because of security concerns.

16. (C) We are very suspicious of the percentages of yes and no votes cited in the UN poll because the sample in each governorate was only about 200 poll respondents. Such a figure likely has a high margin of error in governorates where the populations are particularly diverse, such as Ninewa and Diyala. Thus, we are very dubious that 95 percent of voters in Ninewa, with its substantial Kurdish vote, will come out against the draft in the referendum. That said, the yes/no inclination tracks with what we hear anecdotally from our contacts and from assessments of Sunni Arab/Shia/Kurd sentiment tracked by IRI and State/INR polls. The geographic analysis above suggests that since Sunni Arab opposition to the constitution is concentrated in a few governorates, some of which also have ambivalent minority group voters, the overall referendum outcome may be closer than the very confident Shia Islamists and Kurds anticipate.

Wild Cards - Minority Groups

17. (C) Ethnic and religious minority groups, such as Turcomen, Assyrians and even Shebaks are concentrated mainly in Ninewa, Kirkuk and Diyala - provinces where the draft's passage is relatively more uncertain. Our soundings among contacts in these areas suggests that their political leaders worry about a fully empowered Kurdish region. We have heard worries expressed by some TNA members from these communities that the draft does not protect minority rights sufficiently. Most of these communities leaders have not yet taken a formal position on the constitution but may urge their supporters to reject the draft, thus boosting "no" votes. Reflecting the ambivalence that many of these minority groups feel, Yonadam Kanna of the Christian Assyrian Democratic Movement, told Poloff that he is unhappy with the constitution in principle.

Another Wild Card - Muqtada Sadr

18. (C) While we anticipate the mainstream of the Shia Islamist Coalition will vote for the draft constitution, there are rumblings about some Shia Islamists. Prime Minister Jafari has been notably cool in public about the draft. Perhaps more important is the influential Shia hard-line cleric,

Muqtada al-Sadr. Sadr is especially influential in Baghdad and the southern part of Iraq. Abid Faisal Ahmaid al-Sahlani, a Shia secular parliamentarian from the southern city of Nasiriyah, cautioned Poloff on September 19 that Muqtada may highlight the water issue, calling for his supporters to reject the referendum. There have been reports of Sunni efforts to form an anti-constitution coalition with Muqtada but these efforts have for now, been rebuffed by the Shia leader (reftel).

¶ 19. (C) The draft text's treatment of control of water itself remains controversial. National Assembly member Jawad Bulani, from the Shia Islamist Coalition, predicted to Poloff September 19 that many Shia would vote against the draft precisely because they perceive the Kurds received too much authority over water passing through Kurdistan. He showed Poloff a petition with 100 National Assembly members' signatures calling for changes to the draft's language on water resources.

Voter Intimidation - Another Unknown

¶ 10. (C) Finally, Sunni Arab leaders' efforts to amass a 2/3 rejection vote in provinces such as Nineva, Salah ad-Din and Diyala depend on large turnouts. In January 2005 threats of attacks on voters and polling stations greatly diminished the turnout. (As cited in the chart above, only 17 percent of eligible voters cast ballots in Nineva in January 2005, and only 29 percent in Salah ad-Din.) A reduced Sunni Arab voter turnout will raise the likely proportion of Shia and Kurdish votes in these provinces and hence reduce the likelihood of a 2/3 rejection vote in these mixed population governorates.

Comment

¶ 10. (C) If we take the UN poll at face value, the outcome would be passage - barely, since the "no" vote in Salah ad-Din would just barely miss the cut-off of TAL article 61(c). As we emphasized above, we do not/not take the numbers at face value. Instead, we can imagine strong "no" votes in Sunni Arab areas, such as Anbar and large parts of Nineva, Salah ad-Din and Diyala. Reaching the 2/3 threshold would appear to be much harder. Unless Sadr urges rejection of the draft constitution, the key governorates to watch are Nineva, Salah ad-Din and Diyala. If Sadr were to come out against the draft, then we might need to consider Baghdad as well, given the two million people living in Sadr City and the Sunni Arab concentration in north and western Baghdad. Septel will address our thoughts on the most likely outcomes after the referendum.
Satterfield